Liberalism and Cultural Diversity

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Political and economic liberalism descend to us from ancient times after passing through the Scottish Enlightenment and the English Whigs. Political and economic liberalism were directed at government intrusions, which were to be stopped. Now in highly developed liberal societies that face diversity, much of it through immigration, people assert a liberalism of group rights. Indeed, Will Kymlicka (1989) and Yael Tamir (1993) insist that the protection of groups per se is justified on liberal grounds. The assumptions of political and economic liberalism are those of spontaneous individual creation and therefore liberation from the control of others; the assumptions of group liberalism are very different. Commonly, the defense of this liberalism requires that government intrude into individual lives to overcome deficits — economic, political, and cultural — that particular groups suffer. In particular, they require government support for forceful control of group members themselves or, at least, special exemptions from certain laws that otherwise apply to everyone.

With John Dewey ([1935] 1987), one could speak of stages of liberalism: liberation from despotic and oligarchic political control, liberation from government economic decisions over who is to work or produce or trade, liberation from the depredations of institutionalized private power, liberation from the dead hand of many social conventions, and perhaps other liberations. Dewey would put the first three of these in this historical order, although I think it is

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misleading to put economic liberalism in the order in which it was first articulated as opposed to the order in which it began to work its way on the scene (see further, Hardin 1999, chapter 2). To date, we have genuinely articulate accounts of only the first two of these and a still emerging account of the third. What we need for giving a liberal gloss to the protection of groups as such would be a theory that trumps Dewey’s largely still unarticulated social liberalism. Social liberalism frees individuals from the dead hand of custom and social pressure; group liberalism requires subordination of individuals to group customs and values.

When political and economic liberalisms were joined in the same governments, especially beginning with that created by the US Constitution, they were joined without subordinating one to the other or curtailing the application of one on behalf of the other. Dewey’s vague prescription — substantial government control of the economy — for a new liberalism in the 1930s would likely have curtailed economic liberty and perhaps, therefore, political liberty on behalf of a nascent welfare liberty. The welfare state that has grown up mostly after World War II in the West (although much earlier in Wilhelmine Germany) can, as the best experiences suggest, similarly be built alongside, instead of on the partial ruins of, the old political and economic liberalisms. Apart from making education and culture relatively available, no one has seriously proposed any scheme for generally breaking the hold of perverse social conventions.

Consider the strategic natures of these further liberalisms in comparison to political and economic liberalism. There are two issues. First is the role of government, whether it is to be constrained or put to use. Second is the game theoretic structure of the larger interactions at stake. All of the later liberalisms differ from the earlier political and economic liberalisms in that they virtually require government action in their support. On the other issue, however, they
Economic and political liberalisms, when they work, are coordinations on mutual advantage regimes. Because they are coordinations, they are self-enforcing. In this respect, these share the strategic structure of constitutionalism and democracy (Hardin 1999). The regime of institutional liberalism, at least as it would affect large institutions, might readily be mutually advantageous and self-enforcing in a democratic society. Social liberalism, which involves the breaking of destructive social conventions, would also be self-enforcing if once achieved.

Unfortunately, group liberalism is not strategically analogous to political and economic liberalism. The maintenance of group autonomy for selected groups is not likely to be mutually advantageous for the most politically important groups in liberal societies. They do not serve the interests of the middle class and the politically influential, wealthy entrepreneurial class. Nor are resolutions of group problems likely to be self-enforcing the way the old liberalisms, once in place, are self-enforcing or the way a workable constitution is self-enforcing. The greatest threat to the survival of a group’s ways is the next generation, whose interests are often not served by the group’s static values and norms.

A striking fact about many of the new labels for ostensibly variant liberalisms is that those labels and their categories have been around for a long while — most of, or more than, a century — but that the liberalisms they represent have yet to have much effect. The original liberalisms reversed this history: Elements of them were long in effect before they were well understood, although there was arguably more invention in the case of political liberalism. Economic liberalism had been working piecemeal for centuries before Mandeville, Hume, Smith, and others began to figure it out. One might say with less conviction that political liberalism also had a past history that eased the task of Hobbes and Locke in coming to formulate its theory.

This different history is indicative of an important strategic difference between the
original liberalisms and some of the later ones. The original liberalisms were and are self-enforcing because they are mutually advantageous to important, politically efficacious, large groups in the societies they influence. Because they were self-enforcing, they had survival power and they could take root and grow over time without their being yet understood. This is not true of the group liberalism of our time. Such a liberalism is still in want of an intellectual grounding, of a theory of how it can be made to work. We can be confident that merely constraining government cannot be a major part of any program of group liberalism, as it was for economic and political liberalism. In group liberalism, government is not the source of the problem but it must, rather, be a major part of the solution.

Out of the welter of categories of liberalism that have filled twentieth-century debate, three are fairly widely mentioned and are clearly relevant to fundamentally important aspects of liberal societies, and a fourth is widely asserted and at least arguably important. These are the following. First is what we can call social liberalism, which is liberation from the deadening weight of burdensome social conventions. Second is the liberalism that Dewey wanted and that we may call institutional liberalism, which is liberation from the snares of large private organizations on analogy with the liberation from the snares of government under political and economic liberalism. Third is what is commonly called welfare liberalism, which is primarily liberation from poverty and its concomitants. Fourth and newest is group liberalism, which focuses not on liberty for individuals but for groups. All of these sound close to the welfarist vision of traditional political and economic liberalism, whose point is to make life better, but they require very different strategic devices that go beyond constraining government. I will discuss social and institutional liberalism briefly in order to set up discussion of the very different problems of group liberalism. Indeed, it is not merely different, it is fundamentally
contrary to the other liberalisms, perhaps most especially social liberalism, whose point is largely the ending of group control over individuals.

**Social Liberalism**

Social liberalism has had a long history, with articulate concern for it in Mill’s *On Liberty* and other classical liberal works. It perhaps has some trace in the US Constitution in the prohibition of a state religion. Its greatest impact on any political program, however, has probably been in French revolutionary moves against the Catholic Church, Communist efforts to break the hold of religion and various customary constraints, the turn-of-the-century Chinese move to break the coercive custom of women’s foot-binding, and other efforts, some of them worse than the ills they were intended to cure, as in Pol Pot’s destruction of everything he could destroy in Cambodian culture, whether good or bad, at the cost of upwards of a million lives and the radical impoverishment of virtually the entire population. Most of these effects required government action, although the foot-binding in China was broken by creating an opposite norm from the ground up in one of the most remarkable social changes on record (Mackie 1996).

Social liberalism is typically contrary to notions of group autonomy. Breaking the hold of a social norm may mean loosening the hold of a particular community on its members. For example, undercutting destructive religious norms is likely to undercut ties to a religious community and even to create conflict within such a community, in either case causing a decline in group cohesion. Social liberalism therefore should be anathema to communitarians. Strangely, however, many of the Anti-Federalist opponents of the US constitution favored the introduction of a bill or rights that would specifically protect individuals. Such rights might indirectly protect communities through the protection of individuals who have communal values. The Supreme
Court recently protected the Amish as a group, however, by ruling that individual Amish children could have their apparent right (in the state of Wisconsin) to at least a tenth grade education reduced in order, somewhat forcibly, to keep them loyal to their community (Wisconsin v. Yoder, et al.; see further, Hardin 1995, 201-3). Immanuel Kant (1983 [1784]) argued that for one generation to stifle the intellectual and moral development of a later generation in this way is to commit a crime against human nature. In this instance, the Court abused future generations in order to satisfy demands of the current generation of adult Amish or, arguably, primarily the leadership of the Amish order. One might have expected the Anti-Federalist communitarians to favor such group rights.

Institutional Liberalism

Dewey thought that the central problem in the established liberal democracies of our — or his — time, was the liberation of people from the impositions of large private organizations on individual liberty and welfare. He supposed that this was the new problem of liberalism. He also supposed that the problem must be handled by government action. We had long been liberated from governments that imposed aristocratic control of society and mercantilist control of the economy, and now we needed to be liberated from private power that had arisen under the regime of old liberalism. He wrote that, “after early liberalism had done its work, society faced a new problem, that of social organization” (Dewey [1935] 1987, 39; see also Lindblom 1977, 49-51, McConnell 1966). Because he was writing in the depths of the Depression, it is plausible that most of what Dewey thought we needed was what could be handled by social welfare programs that do not infringe old economic liberalism beyond the standard infringement of taxation, with which advocates of the old liberalism were always
Institutional liberalism was a response to crude aspects of economic life in the brightest moments of capitalism from, say, 1840 to 1929 in the United States and roughly the same period in England. The triumph of capitalism did not end grotesque poverty and inequality but, in the view of many, exacerbated them. Or, at the very least, one can say that economic liberalism and the market have benefited some far more than others, that they are not neutral in their impact. Dewey’s most articulate statement of the need for institutional liberalism was delivered in 1935 during the darkest days of capitalism when, oddly, it was arguably beside the point for the problems that were most urgent then. These problems were still poverty and inequality, especially as aggravated by unemployment. But their solution was not, as in institutional liberalism, in liberation from the intrusions of large private organizations. The unemployed of the 1930s did not need to be liberated from such institutions. They would, rather, have benefited from greater success of these institutions.

How can we fit Dewey’s institutional liberalism with the earlier liberalisms? It was, of course, motivated by a concern for welfare, and in this it is similar to all liberalisms. The conceptual analogy with political and economic liberalisms is that it liberates. The earlier liberalisms liberated from arbitrary government intrusions into people’s lives and from government control of the economy. The arbitrary intrusions that provoked political liberalism were star chambers, bills of attainder, arrests without warrant, billeting of troops without permission or recompense, seizure of presses, political imprisonment, and virtually anything else an uncontrolled government might choose to do or demand. The intrusions that were against economic liberalism were the panoply of practices of government economic control in the heavy-handed system of mercantilism, in which friends and relatives of the crown were given economic
privileged and in which workers and producers were hassled by destructive regulations on what they could do and where they could do it. These regulations restricted mobility, closed off cities from independent artisans and traders, required long apprenticeships to qualify for work, gave strict monopolies to some, and blocked trade with foreign enterprises. Dewey’s institutional liberalism was intended to overcome the similarly grim intrusions of large institutions other than government. It would liberate from the control of large private organizations.

**Group Liberalism**

In recent decades, there have been many demands for attention to group “rights” or group protections of various kinds. Virtually any other liberalism could be called group liberalism, but I will reserve the term for protections of specifically namable groups. For example, protection of an immigrant group’s use of its native language in its dealings with government and in the education of its children would be an instance of group liberalism. All the other liberalisms canvassed work by protecting individuals. Group liberalism is very odd in that it somehow elevates the relevant group above its members by protecting the group, plausibly against its own members.

We could characterize demands for group protections in two ways. First, it might be an extension of some of the earlier demands for institutional liberalism to protect workers or consumers against private institutions. For example, workers are a group who can claim that they need general enforcement of a rule to enable them to mobilize against corporations.\(^2\) Similarly,

\(^2\)Mill argued, as an example, that workers might require legal backing to enforce their unanimous preference for reduction from a ten-hour to a nine-hour day, because without legal enforcement, individual workers would have incentive to freeride on the abstinence of others and to work an extra hour for bonus wages, thus destroying the nine-hour day (Mill 1965 [1848],
government may determine limits on what can be the terms of contracts covering either relations between unequal parties or relations that have significant external effects on those not party to the contract. This facilitates what groups can do or protects them against harms. For such protections, a liberal government might adopt something akin to Mill’s harm principle. But, unless group liberalism is to conflict with economic liberalism, government should not avoid harms by manipulating specific aspects of the economy. For example, government might protect workers as a group against the harms brought by economic change. But it should do this with worker specific programs rather than by artificially keeping a failing firm or an obsolescent industry in business.

Second, it might be an extension of the descriptive theory of interest group liberalism, which characterizes American politics in the quasi-Madisonian system of a plurality of interests engaged in trying to influence national policy. But in the pluralism of interests, the groups are typically contending for favor directly from the government. In the newer group liberalism, groups are demanding protections against government and private agencies. For example, they demand protection against government requirements on how to educate their children and against the freedom of speech of movie makers and television programming. Strategically, such liberalism is a hotch potch.

One of the demands of groups in our time is for the official protection of minority languages. In the United States such protection probably makes the first generation speakers of Spanish, Korean, or Vietnamese better off. But it might partially cripple the next generation because, typically, it means making sure that the next generation is educated in the minority

book 5, chap. 11, sec. 12, p. 958; see also Hardin 1988, 92-94; Hobhouse 1948 [1910], 32-33, 37-39.)
language and plausibly made less able to assume a full role in the larger community. Hence, protecting the supposed group interest requires action against the interest and incentives of some group members. At the very least, this makes group liberalism a very complex version of liberalism. It can hardly be defended either on standard welfarist or autonomy grounds. And it conflicts with social liberalism and possibly with institutional liberalism.

Finally, advocates of group liberalism in its stronger variants demand impositions on the larger society and even their own members, and they often want government to manage these impositions. Hence, group liberalism is often profoundly illiberal in any sensible prior reading of that notion. Many who are not members of groups that want group autonomy defend group protections despite the illiberal implications. Their positive argument for group rights is, roughly, that giving groups status, even with some controls over individual group members, allows the group members to enjoy benefits that would otherwise be at risk from the corrosive effects of the larger society. Hence, government protection of a group is merely a means to protecting its members.

If the central meaning of liberalism is that it liberates, the meaning of group liberalism is, of course, that it liberates one group from the hegemony or control of another group or of other groups in combination. This would make it unlike any of the other liberalisms discussed here because it would be analogous to liberation of one individual from the control of another individual, rather than liberation of individuals from control by large social entities, such as governments, institutions, and powerful, widespread norms. We might conceive of group liberalism as protecting groups from government intrusions in their lives, and that can be an issue. It is only in this vision that it is analogous to other liberalisms.

Any “group” right that essentially protects a group against other groups or against
government can be seen either as a particular application of the ordinary rights of all individuals to the rights, individually, of the members of the group or as a protection of the norms or rules of the group largely against its own members’ violation of those norms or rules. For the first category, there need be no constitutional provision other than, as in the case of the rights of former slaves and blacks more generally in the United States, heightened attention to the claims of individuals in a relevant group. Such protection seems likely to be little different from the protection of individual rights more generally. The major difference is that the group whose members are protected might suffer simultaneously from prejudicial norms of the larger society, so that the government must intervene to help break that social imposition, as when it opposes and attempts to end racism.

Many groups — or at least many groups’ leaders — insist on having group rights of the latter, stronger kind. The leaders of Inuit native populations in Canada and of Old Order Amish populations in Wisconsin have won the latter kind of group rights with the implicit or explicit enforcement of those rights by the Canadian and US governments, respectively. The Federal government of the US enforced the group right of the Amish to block their children’s education against the government of the state of Wisconsin. The Canadian government much more actively supports the special legal claims of the Inuit and also funds the tribe and its tribal government.

Some philosophers and many advocates of the strong form of group rights claim that they are essentially liberal or are required by liberalism. Because liberalism is such a protean term, these claims might be nothing more than definitional. But some writers insist that traditional liberals should support the enforcement of such rights for certain groups (Kymlicka 1989, Tamir 1993). I will argue against them here other than perhaps implicitly in showing how
such rights conflict with individual rights that traditional liberals support. When there is such a conflict, then the claim that traditional liberals should support such group rights is specious.

**Illiberal Groups**

It is instructive to see how these various liberalisms come into play in an actual case. The Civil Rights Movement in the United States captures the whole range of concerns of the various liberalisms. That movement in the 1950s and 1960s was primarily a movement to extend political liberalism to cover a previously excluded group, and in this it was first directed at government: at Jim Crow laws and at courts that refused to enforce liberal laws that would give blacks easier access to politics and the market economy. Substantial success in this movement was inadequate to overcome the deeper problems of racism and, therefore, the movement also pushed for laws to force private institutions to end discrimination of many varieties. In this, its program was that of Dewey’s institutional liberalism. Even this program, however, would be inadequate to overcome the inequalities of blacks in American society. Two further projects would be needed: ending the pervasive, non-institutional racism of social conventions and ending poverty. And some in the black community would go further and demand group rights, although they typically would want autonomy as a way of escaping racism and white institutional controls rather than as a way of protecting religious or other group-level values.

Other subnational groups have a very different agenda. They, or their leaders, want recognition as separate groups with special status in the larger society. That special status might go no further than to make it possible for a group to survive as such into future generations. The group, given such protection, would then take care of attempting to secure its own members’ loyalty and of maintaining its values and its members commitment to those values. But the
requisite special status might be almost that of a state within the state with substantial powers over its members, especially powers to coerce them. Such a subgroup is very unlikely to have a democratic structure, although its mores might be widely shared among many, especially older, members of the group.

Clearly, the urgent problem in the life of a subnational group that wishes state protection in sustaining itself is keeping its members loyal to it, so that they do not leave the group for the blandishments of the larger society. Those blandishments are likely to be especially attractive to the young of the next generation, who have yet to settle into the routines of the group’s norms. The power of Yoder was that it secured the next generation’s loyalty to the local Amish community by cutting off any chance of finding attractive employment in the larger society outside. In a society in which a high school education is virtually required even to be an unskilled worker or clerk, forcibly ending a child’s education at age fourteen is a powerful move. When these are the concerns of group liberalism, it is impossible for it not to conflict with traditional liberalisms that protect individuals first and foremost.

Group liberalism with such a program is inherently illiberal on the traditional theories. Hence, we face the problem of justifying it despite its implication of sometime hostility towards and suppression of its own members. Let us divide the problem into two categories. The first is a liberal society into which illiberal groups immigrate; the second is an older society in which there are long extant illiberal subnational groups and into which a liberal constitution is introduced. The way we deal with an illiberal population may depend on whether that population precedes a liberal constitution. If the population immigrates into the nation and a liberal constitution is in place, then the new population can be assumed to accept life under the extant constitution. This does mean, of course, that the members of that population genuinely support
the terms of the constitution but only that they have chosen to immigrate — perhaps despite that
constitution — even though they could in almost all cases readily have stayed in their prior
nation. If the immigrant population wishes to maintain some practice that violates the extant
constitution, they can choose either to attempt to get the constitution changed to permit their
practice or they can act illegally. If they act illegally, they are then subject to the law of their
newly chosen nation and may be punished for acting according to their illegal practice.

For an indigenous population that precedes the liberal constitution, one might expect
that the constitution would make special provisions for their illiberal practices. For example, the
current Indian constitution allows for Muslim practices of marriage and divorce by Muslims,
while not permitting those practices for non-Muslims. Even then, however, the constitution
might require liberal treatment of individuals who wish not to follow their family’s practices.

Our chief issue therefore is how to handle illiberal immigrant groups. Consider a
particularly harsh example. In early 2002 in Sweden, Fadime Sahindal, at age 26, was shot dead
by her father in a so-called honor killing. He and her brother had threatened to kill Fadime for
several years because she refused to give in to her family’s plan to marry her to a Kurdish
cousin. She had been in love with an Iranian Swede who had died in a car crash in 1998. After
his death, she still refused to marry the cousin and she lived more or less as a widow. She
became a public figure as an advocate of the right of immigrant women to choose their own lives
(Wikan, personal communication, February 2002). In some Muslim nations, Sahindal’s father’s
action would not be criminal and in many Muslim societies he would receive high praise and
approval for his honorable action. In Sweden that action was murder.

In Sweden, Norway, and Denmark, with their relatively open immigration policies,
such honor killings have become frequent events and forced marriages are very common. Forced
marriages are apparently not punished, but honor killings are. And a woman who is a Norwegian citizen was protected against forced marriage even when her family had abducted her to take her to Morocco for an arranged marriage that she did not want (Wikan 2000).

Such cases of honor killings and the kidnapping of young women who do not conform to their parents’ values are especially alarming to traditional liberals. Indeed, it seems inconceivable that a traditional liberal would want the state to grant group rights to do such things to individuals who do not conform to the group’s norms. When Kymlicka and others defend group rights, they do not typically take up such issues, perhaps because their cases have more benign cultural practices than honor killing for refusal to marry a particular person. Even in their cases, however, there are commonly sexist practices that no contemporary liberal could defend. The very logic of traditional liberalism is contrary to allowing honor killings and coerced marriages for some groups in a society while governing the rest of the society through ordinary laws prohibiting murder and coercion.

The values of liberalism are inherently universalistic, not hand-crafted to different groups according to their labels. Indeed, a central appeal of liberalism is its universalism. The defense of group rights that imply coercion of the next generation is illiberal, and the arguments of Kymlicka and others in defense of group rights cannot, contrary to their sometime claims, be inferred from liberal principles. At most, groups can be granted modified rights that still exclude such actions as honor killing and marital coercion. If a group’s members are systematically disadvantaged, for example economically, a liberal state can readily provide support to the group. It is in fact part of the universalism of liberalism that such a policy could be commended. To claim such support while, however, insisting on blocking universalistic principles in other
realms is duplicitous. Such duplicity is much of the stuff of politics, but it wrecks any effort to give a justification of the contradictory policies.

Concluding Remarks

Where should an otherwise liberal state stand on its dealings with illiberal immigrant groups? I do not think there is a correct answer to such a question if it is essentially normative or moral. But there can be an answer practically, which is that for a universalistic liberal state to support illiberal practices in selected subpopulations is incoherent and likely to be destructive of the survival of the liberal order. We must choose a generally liberal order or a generally illiberal order. It is not incoherent or immoral or impolitic to choose a generally liberal order if that is what we already have and if it is the likely choice of a majority of our society. Indeed, we can even choose not to allow substantial immigration of any population that would be profoundly illiberal and that would be destructive of our society. If we hear many stories such as those of Fadime and Nadia, we are likely to wonder at the cost generally of allowing migration of those who cannot adapt to moderately liberal customs and mores.

The conclusions here do not depend on any claim that liberalism is right or good in ways that trump other principles for social organization and interpersonal relations. Indeed, it is the absence of any such justification that makes the defense of liberalism (or any other social theory) inherently a matter of defending our life because it is good for us in particular. Any claim that we should give up that way of life on behalf of others who wish to have a very different way of life is as morally ungrounded as liberalism itself. Devout religious believers have as much claim to the morality of their vision as liberals do. But they have no claim to disrupt a liberal
society. For liberals this is largely a welfarist concern. Our lives are good because we are in a liberal society.

Liberalism is a welfarist principle. It serves the mutual advantage of those who have the relevant concern with individual liberty and control of their lives. Many of the communal value systems, such as that which ruined the life of Fadime and nearly ruined that of Nadia are at least in part anti-welfarist. If it requires government action to secure those values, there is a contradiction. We cannot *in the name of liberalism* protect illiberalism. Those who insist that we must, as liberals, make a place for illiberalism in our society are incoherent. In general, this means in practice that we cannot allow, for example, kidnapping or murder on behalf of communal values. It is perhaps because they had grown up in liberal Norway that Fadime and Nadia suffered reprisals and coercions. The prior generation (and apparently the younger generation of males) of their families was still immersed in communal values of a very illiberal society; Fadime and Nadia were not.

If one wanted to assign responsibility for the fates of Fadime and Nadia and thousands of others in similar positions, one would have to note that it was the prior generation who chose to rear them in a liberal society with all its freedoms (or, if one prefers, with all its license). They chose to mold their daughters in ways that then offended them. Liberal Norway was forced to decide between the two generations. A liberal can make no other choice than to protect the adult or near-adult children of these families just as it would protect children from ethnically Norwegian families. A liberal society must be liberal in the treatment of those citizens and residents who wish to be treated liberally.

All of the talk of the rights or interests of groups per se has so far failed to bridge the generation gap. The *Yoder* case sharply focused on exactly that issue, and the US Supreme Court
was in woeful default on the issue. Until it grapples with the next generation and the status of its members, the defense of group rights is dishonest and vacuous. Norwegian and other liberal societies cannot make room for state defense of honor killing by fathers who are offended at their daughters’ behavior. The suppression of honor killing of various kinds and the transfer of social control in many often violent matters from the community to the state — including the invention of the legal idea of murder — arguably initiated the long historical development of liberalism. The original introduction of law to handle matters that were formerly handled by feud and vengeance was surely a change that served mutual advantage for almost everyone.

Some might initially have defended the prior practice of, say, vengeance as somehow inherently moral or right, but subsequent generations can only count the change as a good one. For example, the Corsican norm of vendetta was arguably part of the reason for Corsican economic backwardness and it brought enormous suffering and pain to many families, yet many in that society defended the practice as morally required (Mérimée 1989 [1840]: see also Hardin 1995, 133-6). At a slightly higher level of social control, the Greek practice of punishing people on the spot for various public offenses, which has led to the Islamic practice of instant punishment for women who reveal skin in the wrong places, even if accidentally, a practice that was especially harsh under the Taliban in Afghanistan. The Greek official was “inspector of the market,” or agoranomos. This was translated directly into the “Arabic amil al-suk or sahib al-suk, who had a limited civil and criminal jurisdiction; it was later, under the early Abbasids, to develop into the Islamic office of the muhtasib” (Schacht 1982[1965]), 25).³

At a later development of law, one would expect to see such unregulated forms of enforcement to be superseded by more nearly routinized, depersonalized systemic devices. Such

³ I owe this reference to Paul Bullen (personal correspondence, 24 March 2002).
depersonalization in the law is the height of liberalism. It would be a strange betrayal of the long history of the development of liberalism and depersonalized law to justify contemporary cultural practices that are brutally personalized and illiberal in the name of liberalism.

References


